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PATENT APPLN. NO. 10/534,491  
RESPONSE UNDER 37 C.F.R. §1.111

FEB 05 2007

PATENT  
NON-FINAL

REMARKS

The drawings are objected to because the meaning of the Japanese characters on the "sign indicating portion" in Figures 4, 5 and 7 is not clear. The relevant paragraphs of the "Brief Description of Drawings" have been amended to identify the meaning of the characters. Applicants note that the meaning of the Japanese characters in Fig. 4 is also explained elsewhere in the specification (see, for example, page 11, lines 12 to 17).

Removal of the objection to the drawings is believed to be in order and is respectfully requested.

Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Office's position is that the terminology "means capable of" is not proper means plus function language. The claims have been amended to replace the terminology "means capable of" with the terminology --means for--.

Removal of the 35 U.S.C. 112 rejection is believed to be in order and is respectfully requested.

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sharon et al. U.S. 2002/0066678 (hereinafter Sharon) in view of Yoshida et al. (U.S. Patent No. 4,961,495).

(hereinafter: "Yoshida") and Shibata (U.S. Patent No. 6,491,159) (hereinafter: "Shibata"). Claims 5-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 1 above, and further in view of Hustad (U.S. Patent No. 5,064,664) (hereinafter: "Hustad").

Claim 1 has been amended to include the limitations of claims 2 and 3 and additional limitations relating to the "sign indicating portion" and "sign shielding portion" based on the description on page 13, lines 11 to 15, of the specification and Fig. 6 of the present application.

New claim 15 has been added to the application. Claim 15 includes the limitations of original claims 1, 2 and 3 and additional limitations relating to the "sign indicating portion" and "sign shielding portion" based on the description on page 12, line 26, to page 13, line 4, page 14, lines 21 to 25, of the specification and Figs. 5, 7 and 8 of the present application.

Claims 2 to 6 have been canceled. Claim 7 has been rewritten in independent form.

The combination of Sharon, Yoshida and Shibata has not been cited as disclosing or suggesting signs, or drawings, or a mesh which are printed or otherwise provided on a sign indicating portion provided on the partition wall forming portion on one of

opposed films or on a sign shielding portion provided on the partition wall forming portion on the other of opposed films as recited in claims 1 and 15. Therefore, claims 1 and 15 are not obvious over the combination of Sharon, Yoshida and Shibata within the meaning of 35 U.S.C. § 103(a).

Additionally, claims 1 and 15 are unobvious over the combination of Sharon, Yoshida, Shibata and Hustad proposed by the Office and applied to claims 5 to 14.

First, a person of ordinary skill in the art would not be motivated to modify the seal tamper indication of Sharon using the engraved lettering peel seal of Hustad. The seal tamper indication of Sharon is an interface compartment which provides a visual indicator that a seal has been broken by, for example, the presence or absence of a material in the compartment. On the other hand, the engraved lettering peel seal of Hustad is formed by impressing a heat seal bar onto a package. The indication that the seal of Hustad has been broken results from the formation of an opacity condition in a background area but not in an indicia area of the peel seal when the seal is broken. Heat sealing the interface compartment of Sharon would destroy the compartment and, thus, destroy the invention on which Sharon is based. It is well-established that a reference cannot be properly modified where such

modification will destroy the invention on which the reference is based. See *Ex parte Hartmann*, 186 USPQ 366 (BdPatApp&Int 1974).

Second, the plural-chamber containers of claims 1 and 15 have the unexpected result that it is possible to become quickly aware from both the front side and the back side of the plural-chamber container 1 that the partition wall is peeled since the sign on the sign indicating portion 51 and the sign (e.g., the drawing in Fig. 6) on the sign shielding portion 52 are both shown (see, page 13, lines 17 to 22, of the specification of the present application). Such result is not inherent from Sharon, Yoshida, Shibata and Hustad, even if combined. The sign of the container of Hustad is shown when the areas which were actually sealed by the engraved heat seal bar exhibit an opacity condition by peeling the peel seal area described in col. 3, line 64, to col. 5, line 5, of Hustad. Therefore, it is not inherent (i.e., it is not a certainty) that the signs of both the front panel 21 and the rear panel 21 will be shown.

Applicants also respectfully submit that the plural-chamber container of claim 7 is would not have been obvious from the proposed combination of Sharon, Yoshida, Shibata and Hustad.

First, a person of ordinary skill in the art would not have been motivated, for the reason explained above, to combine Sharon, Yoshida, Shibata and Hustad.

Second, the plural-chamber container of claim 7 has the same unexpected result described above in connection with claims 1 and 15 and has the additional result that the communication of two chambers is absolutely confirmed at an angle toward the partition wall forming portion (see page 20, lines 6 to 11, of the specification of the present application). Hustad only discloses that the area of the rear panel can be of a bright color and the front panel is transparent or clear in color. With these panels, the signs are shown more clearly. However, this sign cannot be shown at an angle toward the peel seal area.

Removal of the 35 U.S.C. 103(a) rejections of the claims is believed to be in order and is respectfully requested.

The foregoing is believed to be a complete and proper response to the Office Action dated October 3, 2006, and is believed to place this application in condition for allowance. If, however, minor issues remain that can be resolved by means of a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number indicated below.

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In the event that this paper is not considered to be timely filed, applicants hereby petition for an appropriate extension of time. The fee for any such extension may be charged to our Deposit Account No. 111833.

In the event any additional fees are required, please also charge our Deposit Account No. 111833.

Respectfully submitted,

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